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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,747	01/16/2002	Mike Oberberger	IGT1P259/P-721	7807

22434 7590 04/05/2007  
BEYER WEAVER LLP  
P.O. BOX 70250  
OAKLAND, CA 94612-0250

EXAMINER
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NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/050,747	OBERBERGER, MIKE	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 51-89 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-89 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

The Request for Continued Examination filed February 1, 2007 has been approved, therefore, the Amendment filed February 1, 2007 is hereby considered. According to the Amendment, claims 51, 64, and 77 have been amended. Currently, claims 51-89 are pending in the application. Acknowledgment has been made.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburg et al. (6,595,856) in view of Nguyen (US 2002/0071557).

Referring to claims 51, 64, and 77 Ginsburg et al. teaches a gaming system (or method having steps for providing thereto) comprising: a plurality of gaming units (300) coupled to a data network (Fig.6), each gaming unit having a configuration for executing a game application enabling a player to play a game of chance on the gaming unit, a configuration of the gaming system defined by the plurality of gaming unit configurations (3:8-15); a memory device (mass storage 270 or ROM 310, 3:41-65; 8:16-17) storing verification code; a monitoring apparatus separate from the gaming units (one of gaming machine 300, 3:23-40; 9:10-21; Fig. 6) and including the memory device (mass storage 270 or ROM 310, 3:41-65; 8:16-17), the monitoring apparatus coupled to the data network to monitor the plurality of gaming units, the monitoring apparatus including

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a processor programmed to: i) compare a real-time parameter value (live code, 8:16-27) with the verification code parameter value, the real-time parameter value (live code) determined from a current configuration of the plurality of gaming unit configurations, ii) determine that the gaming system configuration is not in compliance with the verification code when the real-time parameter exceeds the verification parameter value, and iii) when the gaming system configuration is not in compliance with the verification code, prevent reconfiguration of the gaming system configuration (4:24-39). Ginsburg et al. does not explicitly teach storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units; prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units.

**Further, Ginsburg et al. does not explicitly teach the amended limitation of** a license parameter paired with a corresponding license parameter, and the license parameter having a string of characters, and the license parameter value having an integer.

Nguyen, however, teaches a secured virtual network in a gaming environment comprising storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units (paragraphs 15-17, 20, and 77). Referring to the limitation of prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units, the license identification process of Nguyen performed on the remote server only denied the request for gaming license compliance

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in certain conditions, and such denial does not result in any interruption of the game play on the gaming machines. **Regarding the amended limitation of a license parameter paired with a corresponding license parameter, and the license parameter having a string of characters, and the license parameter value having an integer**, this is inherent from Nguyen's teaching of game license reply message that includes a game license, wherein the game license data includes a license expiration data, a game ID number, game usage data and machine identification data (paragraphs 17 and 18). **Note that**, in Nguyen reference, the attribute name-value pair for license parameter: *license parameter* having name includes a string of character, e.g., "license expiration" and *license parameter value* having an integer, e.g., "expiration date" must necessarily exist in order for the game license data to be accessed. **Further, regarding the limitation of indicating an exceeded license parameter value**, since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit. **Note that**, as requested by the applicant for a well-known prior art that ***indicates an exceeded license parameter value***, the applicant is hereby referred to the provided reference of Bereiter (5,754,763)(9:49-10:33). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Ginsburg et al. electronic security technique for gaming software with the non interruption software verification technique of Nguyen to provide a stable gaming system and enhance security as well as maximize the capability of the gaming network.

Referring to claims 52, 53, 65, 66, 78, and 79, Nguyen teaches the gaming system configuration including a function of the gaming system; and wherein the gaming system configuration including a function of a device (license server) coupled to the data network (paragraphs 15 and 16).

Referring to claims 54-56, 67-69, and 80-82, Ginsburg et al. teaches the monitoring apparatus coupled to continuously receive data from all of the plurality of gaming units (Fig.6); the monitoring apparatus further including a display coupled to the processor, the processor further programmed to display a message indicating an exceeded verification parameter when the gaming system configuration is not in compliance with the verification code (4:24-28); and the monitoring apparatus further including an input device coupled to the processor, the input device accessible by a gaming system operator (4:24-28).

Referring to claims 57, 70, and 83, wherein preventing reconfiguration of the gaming system configuration without interrupting game play on the gaming units includes preventing an operator from reconfiguring the gaming system configuration, it is obvious to prevent interruption of the game system when someone tried to tamper a game machine to keep the entire gaming system stable.

Referring to claims 58, 60, 71, 73, 84 and 86, wherein the license parameter value is a maximum allowable number of gaming units in the gaming system, and the real-time parameter value is a current number of gaming units coupled to the data network; and wherein the license parameter value is a maximum allowable number of operator workstations that may be incorporated in the gaming system, and the real-time

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parameter value is a current number of operator workstations coupled to the data network; since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit.

Referring to claims 59, 61-63, 72, 74-76, 85, and 87-89, Nguyen teaches the license parameter value is a valid gaming system operation mode of the gaming system, and the real-time parameter value is a current operation mode of the gaming system (i.e., the number of working or licensed game machines and the number of valid game licenses); the license parameter value is a maximum allowable number and type of reports that may be generated by the gaming system, and the real-time parameter value is a current number and type of reports being generated by the gaming system (paragraph 10); the license parameter value is a site identification of the gaming system, and the real-time parameter value is a current site identification incorporated in the gaming system; and the license parameter value is an expiration date of the license, and the real-time parameter value is a current date of the gaming system (paragraph 69).

### ***Response to Arguments***

Applicant's arguments filed December 29, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references (Applicant's remarks, page 12, 2nd paragraph to page 14, 1<sup>st</sup> paragraph), the examiner recognizes that obviousness can only be established by combining or

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modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). **In this case, Ginsburg et al. teaches** a gaming system (or method having steps for providing thereto) comprising: a plurality of gaming units (300) coupled to a data network (Fig.6), each gaming unit having a configuration for executing a game application enabling a player to play a game of chance on the gaming unit, a configuration of the gaming system defined by the plurality of gaming unit configurations (3:8-15); a memory device (mass storage 270 or ROM 310, 3:41-65; 8:16-17) storing verification code; a monitoring apparatus separate from the gaming units (one of gaming machine 300, 3:23-40; 9:10-21; Fig. 6) and including the memory device (mass storage 270 or ROM 310, 3:41-65; 8:16-17), the monitoring apparatus coupled to the data network to monitor the plurality of gaming units, the monitoring apparatus including a processor programmed to: i) compare a real-time parameter value (live code, 8:16-27) with the verification code parameter value, the real-time parameter value (live code) determined from a current configuration of the plurality of gaming unit configurations, ii) determine that the gaming system configuration is not in compliance with the verification code when the real-time parameter exceeds the verification parameter value, and iii) when the gaming system configuration is not in compliance with the verification code, prevent reconfiguration of the gaming system configuration (4:24-39); **and Nguyen teaches** a secured virtual

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network in a gaming environment comprising storing a license parameter and a corresponding license parameter value of a license for determining access to the gaming system configuration, the license applicable to the plurality of gaming units (paragraphs 15-17, 20, and 77). Referring to the limitation of prevent reconfiguration of the gaming system configuration without interrupting game play on the gaming units, the license identification process of Nguyen performed on the remote server only denied the request for gaming license compliance in certain conditions, and such denial does not result in any interruption of the game play on the gaming machines. **Regarding the amended limitation of** *a license parameter paired with a corresponding license parameter, and the license parameter having a string of characters, and the license parameter value having an integer*, this is inherent from Nguyen's teaching of game license reply message that includes a game license, wherein the game license data includes a license expiration data, a game ID number, game usage data and machine identification data (paragraphs 17 and 18). **Note that**, in Nguyen reference, the attribute name-value pair for license parameter: *license parameter* having name includes a string of character, e.g., "license expiration" and *license parameter value* having an integer, e.g., "expiration date" must necessarily exist in order for the game license data to be accessed. **Further, regarding the limitation of indicating an exceeded license parameter value**, since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit. **Note that**, as requested by the applicant for a well-known prior art that ***indicates an exceeded license parameter value***, the applicant is hereby referred to

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the provided reference of Bereiter (5,754,763)(9:49-10:33). Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Ginsburg et al. electronic security technique for gaming software with the non interruption software verification technique of Nguyen to provide a stable gaming system and enhance security as well as maximize the capability of the gaming network.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BN

  
Robert E Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714